

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH MATTHIAS KERR,

Defendant.

NOS. CR-05-2092-RHW  
CR-05-2145-RHW

**ORDER STRIKING  
DEFENDANT'S *PRO SE* FILINGS**

Defendant has filed a number of *pro se* filings. Edwin Alden was appointed to represent Defendant on December 30, 2005, and he filed his Notice of Appearance on January 3, 2006. Once an attorney has appeared in a case, the party is prohibited from acting *pro se* in the cause. *See* LR 83.2(d). Defendant should consult with his counsel of record to determine whether a particular motion should be refiled by his counsel.

Accordingly, **IT IS HEREBY ORDERED:**

1. The Court **STRIKES** the following *pro se* motions:

a. Motion for Release from Custody (CR-05-2092-RHW [Ct. Rec. 110])  
(CR-05-2145 [Ct. Rec. 15]);

b. Motion for Release from Custody (CR-05-2092-RHW [Ct. Rec. 124])  
(CR-05-2145 [Ct. Rec. 20]);

c. Motion for 28 U.S.C. ss 2255 Summary Judgment Motion for Case  
Dismissal (CR-05-2092-RHW [Ct. Rec. \_\_\_\_]) (CR-05-2145-RHW [Ct. Rec. \_\_\_\_]).

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**ORDER STRIKING DEFENDANT'S *PRO SE* FILINGS ~ 1**

1       **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
2 order and to provide copies to counsel and Defendant.

3       **DATED** this 13th day of January, 2006.

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5                               s/Robert H. Whaley  
6                               **ROBERT H. WHALEY**  
7                               Chief United States District Judge  
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